

Claim Rejections - 35 U.S.C. §112, First Paragraph

Claims 43-45, 48-65 and 68-73 stood rejected under 35 U.S.C. §112, first paragraph, based on an assertion that the claims contained subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors at the time the invention was filed, had possession of the claimed invention. In particular, the Examiner contended that the following recital in the definition of R^{xa} and R^{ya} the recital is not supported by the specification:

R^2 ... when R^2 is ethylene to form the third bridging structure, ...

This language must be considered with the cognate language of (2):

R^2 ...(e) is ethylene forming a third bridging structure as set forth in (2iii)(b)(i);...

Applicants respectfully disagree with the Examiner's contention.

First, the claimed subject matter was clearly intended to be claimed, and hence possession of the invention was conveyed, as one of ordinary skill would glean from examining compound A15. See, p. 24 of specification. Reference to compound A15 and the original claim as filed with the parent application (Serial No. 08/866,007) would further solidify this conveyance of Applicants' possession. The original claims recited:

R^2 (a) is hydrogen, (C1-C6) alkyl,* ... or ...

and,

the substitutions of R^{xa} , R^{ya} and R^{2a} can be combined to form a second bridge between two of R^{xa} , R^{ya} and R^{2a} comprising (1) (C1-C2) alkyl or alkenyl, which can be independently substituted with one or more (C1-C6) alkyl,** ...

Thus, example A15 clearly showed that the alkyl of * could be combined as an ethylene with the alkyl of **, exactly what is now claimed.

Accordingly, Applicants respectfully submit that this rejection should be withdrawn.

Claim Rejections - 35 U.S.C. §112, Second Paragraph

Claims 42-74 stood rejected under 35 U.S.C. §112, first paragraph, based on an assertion that the claims were indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.


- a) The Examiner noted that claim 42 depended upon a cancelled claim. Applicants have elected to cancel claim 42 without prejudice.
- b) The Examiner noted that a verb was missing in the definition of the substituents for the phenyl and naphthyl groups of R^{13} - R^{20} and R^{22} - R^{24} . Applicants have amended claim 43 to correct the omission.
- c) The Examiner noted that there were two occurrences of “(B)” in claim 46. Applicants have amended claim 46 to clarify the claim.
- d) Claims 56-58 were rejected as allegedly vague and indefinite with respect to the recital of the moiety -O- R^8 . Applicants have amended the claim as suggested by the Examiner.
- e) The Examiner noted that commas were missing from claim 61. Applicants have amended claim 61.
- f) Claim 67 was rejected for insufficient antecedent basis for the recited limitation for the radical R^2 . Applicants have elected to amend claim 66 (from which claim 67 depends) so that it includes the limitation for the radical R^2 recited in claim 67.

In light of the above discussion and amendments, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

In light of the above discussion and amendments, it is respectfully submitted that the claims are in condition for allowance. The issuance of a Notice of Allowance is earnestly solicited.²

Respectfully submitted,



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Date: June 19, 2002



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